

House File 456 - Introduced

HOUSE FILE 456

BY STECKMAN, BENNETT, MASCHER,
and WINCKLER

A BILL FOR

1 An Act authorizing counties to adopt county legislation
2 relating to the siting of confinement feeding operations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **459.305A County control of siting.**

2 1. A county may adopt a confinement feeding operations
3 siting ordinance. The purpose of the ordinance is to allow
4 the county board of supervisors to approve or disapprove the
5 location of a confinement feeding operation, including the
6 construction of a confinement feeding operation structure
7 within the county.

8 2. A person shall not construct a confinement feeding
9 operation structure in a county that has adopted a confinement
10 feeding operations siting ordinance until the county board
11 of supervisors has approved the location of the confinement
12 feeding operation in a manner and according to procedures
13 required in the ordinance. The ordinance may provide for all
14 of the following:

15 a. Conditions for the construction of a confinement feeding
16 operation structure, the operation of the confinement feeding
17 operation, or the application of manure originating from the
18 confinement feeding operation.

19 b. That a person required to be issued a permit by the
20 department for the construction of a confinement feeding
21 operation structure as provided in section 459.303 be issued
22 such permit prior to obtaining approval by the county board of
23 supervisors.

24 c. That a county board of supervisors base its approval or
25 disapproval on factors other than factors considered by the
26 department when approving or disapproving an application to
27 construct a confinement feeding operation structure.

28 d. A greater separation distance between a confinement
29 feeding operation structure and a benefitted object or location
30 than is required by this chapter.

31 3. A county may adopt county legislation necessary to
32 effectuate the purposes of this section notwithstanding
33 sections 331.304A and 335.2.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill amends provisions in Code chapter 459 that
3 authorize the department of natural resources to issue
4 permits for the construction of structures associated with a
5 confinement feeding operation.

6 The bill provides that a county may adopt a confinement
7 feeding operations siting ordinance which allows a county board
8 of supervisors to approve the site where the construction is
9 to occur. The ordinance may authorize the board to place
10 conditions on site approval if the conditions relate to the
11 construction of a confinement feeding operation structure,
12 the operation of the confinement feeding operation, or the
13 application of manure originating from the confinement feeding
14 operation. The bill provides that an ordinance may establish
15 separation distance requirements from a benefitted object or
16 location that are greater than are required by current Code
17 chapter 459.

18 The bill provides that the county may adopt the ordinance
19 notwithstanding provisions in Code section 335.2 which
20 prohibit a county from zoning farm structures and Code section
21 331.304A which prohibit a county from adopting legislation that
22 regulates animal agriculture.